

**RECOMMENDATIONS TO THE PLANNING COMMISSION
AND ALTERNATIVE PROPOSALS
November 21, 2013**

A. Draft Policy Changes

Mineral Lands Comprehensive Plan Policies

GOAL: To protect and ensure appropriate use of gravel and mineral resources of the county, and minimize conflict between surface mining and surrounding land uses.

3.5 Policies

3.5.1 Support the conservation of mineral lands for productive economic use by identifying and designating lands that have long-term commercial significance for mineral extraction and that are not already characterized by urban growth.

3.5.1 Support the conservation of mineral lands for productive economic use by identifying and designating lands that have long-term commercial significance for mineral extraction and that are not already characterized by urban growth, not already developed with inconsistent uses, that can be developed without significant environmental impact, and have suitable access. Mann

3.5.2 Designate mineral resource lands based on the following:

- a. geological, environmental, and economic factors;**
- b. surrounding land uses, zoning, and parcel size; and**
- c. the suitability of access roads to be used as haul roads.**
- c. the suitability of public access roads to be used as haul roads. Maul Foster
- c. the suitability of access roads to be used as haul roads connecting the potential mineral lands to market. Mann

3.5.3 Ensure that mineral extraction and processing operations minimize and mitigate any significant adverse impacts on water, fish, wildlife, and nearby land uses.

3.5.3 Ensure that mineral extraction and processing operations minimize and mitigate any significant adverse impacts on surface and ground water, fish, wildlife, and nearby land uses. Mann

3.5.4 Ensure that land use activities adjacent to designated mineral resource lands and mining activities are located and designed to minimize conflicts with each other.

3.5.4 The County should adopt Development Regulations to assure that the use of lands adjacent to mineral resource lands shall [should] not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of designated Mineral Resource lands for extraction of minerals.
Dentler

3.5.5 Establish notification standards whereby developments on lands in the vicinity of designated mineral resource lands are given notice that they are locating in or adjacent to a potential mining area.

3.5.6 The surface mining overlay shall not be designated within rural residential (R) zones except to allow the expansion of an existing mining site.

3.5.6 The surface mining overlay shall not be designated within rural residential (R) zones ~~except to allow the expansion of an existing mining site.~~ CALM & Mann

Additional policy proposals:

3.5.7 Encourage restoration of mineral extraction sites at the earliest opportunity following completion of surface mining activity as the site is mined, consistent with the requirements identified in RCW 78.44. CALM

3.5.8 Approach the designation of mineral resource lands as a county-wide or regional process. With the exception of owner-initiated requests for designation, the county will not review mineral resource lands designations solely on a parcel-by-parcel basis and will designate mineral resource lands as a legislative amendment to the Comprehensive Plan. CALM

3.5.9 Develop a program for monitoring and enforcement of active mining activities to ensure that the county's surface mining program operates efficiently, complies with applicable local, state and federal regulations, and upholds the local values expressed in the goals and policies of this chapter. CALM

EXISTING POLICIES RECOMMENDED TO BE DELETED

Capital improvement plans should take into consideration maintaining and upgrading public roads adequate to accommodate transport of mineral commodities.

Encourage recycling of concrete, aggregate and other materials. *Mann recommends retaining this policy*

Encourage restoration of mineral extraction sites as the site is mined, consistent with the requirements identified in RCW 78.44. *See CALM variation above*

Land shall not be used for any activity other than surface mining or uses compatible with mining until the gravel or mineral resource is commercially depleted, reasons for not mining the site are clearly demonstrated, or the site has been reclaimed. *DNR would retain this policy*

Surface mining other than Columbia River dredging shall not occur within the 100 -year Floodplain. *Dentler proposes an exception for projects with an approved Habitat Conservation Plan*

The county shall allow continued mining at existing active sites.

Designated mineral operations of long-term commercial significance are not exempt from the normal environmental review process of the county or state agencies.

Prior to removal of the surface mining designation, the landowner needs to show that the extraction of the mineral resource is not commercially feasible.

Designation to alternative land uses at the time of reclamation shall take into consideration surrounding land uses and other policies of this 20-Year Plan

Future land use designations for those areas designated Mineral Lands (Fisher Quarry and Section 30/31) should be made consistent with city land use and at the time of annexation.

Some level of processing should be associated with mineral extraction. Future sites designated with a surface mining overlay shall be assessed on a case by case basis, based on the commercial or industrial value of the resource, and the relative quality and quantity of the resource as well as the following conditions:

- the resource should be of a quality that allows it to be used for construction materials or meet applicable quality specifications for the intended use(s);
- the resource should be of a quantity sufficient to economically justify development based upon the characteristics of the aggregate, life of the resource site, cost of extraction, accessibility, opportunity, type of transportation and the location of high demand areas; and,
- designation of these mineral resource lands should follow the "Criteria for Designating Mineral Resources," as outlined in the Designation Criteria component of the Rural and Natural Resource Element.

Clark County's Shoreline Master Program shall be reevaluated for consistency with the Growth Management legislation and Clark County's 20-Year Comprehensive Growth Management Plan. Any areas of inconsistency shall be reviewed and resolved with either modification of the Shoreline Master Program or Comprehensive Plan policies, whichever is more appropriate.

STRATEGIES FOR MINERAL RESOURCE LANDS

Maintain a map showing areas designated with the surface mining overlay and permitted mining sites.

Develop a program for coordinated monitoring and enforcement of conditions of approval for active mining sites.

Develop a program for coordinated monitoring and enforcement of conditions of approval for active mining sites including the creation of: (1) a dedicated monitoring and enforcement account funded by permit fees for existing and new mines; and (2) a County Ombudsman position for assisting local residents to resolve conflicts with mining operations. Until the County's program for monitoring and enforcing is established, no existing mines should be allowed to expand and no new mines should be permitted.
Mann

B. Procedure & Draft Criteria to Amend the Surface Mining Overlay

(Keep Section 40.560.020 Changes to Districts, Amendments, Alterations as is. Delete the changes proposed by the Mineral Lands Task Force that would make the surface mining overlay a zoning overlay subject to change through a Type III procedure.

Adopt the following as a new Section 40.560.010(S), re-number subsequent sections and correct citations.)

S. Additional Criteria for Surface Mining Overlay Changes.

1. Amendments to the plan map to designate additional areas with the Surface Mining Overlay shall demonstrate that the following criteria have been met:

a. The quality of the resource meets applicable specifications for the intended uses;

a. The quality of the mineral resource ~~meets applicable specifications~~ is sufficient for the intended uses; Dentler

b. The quantity of the resource is sufficient to economically justify development based on the size of the deposit, the depth of overburden, the distance to market, the cost of transport and resource availability in the region;

b. The quantity and characteristics of the resource ~~is sufficient to economically justify development based on~~ including the size of the deposit, the depth of overburden, the distance to market, the cost of transport and resource availability in the region, suggest that mining is economically viable; Dentler

- c. **The site is accessible and haul road conditions are suitable for safe truck travel or will be improved to meet County standards;**
- ~~e. The site is accessible and haul road conditions are suitable for safe truck travel or will be improved to meet County standards; Maul Foster, Dentler~~
- d. **At least sixty percent (60%) of the area within one thousand (1000) feet of the proposed mineral resource land is characterized by parcels of five (5) acres or larger.**
- d. At least sixty percent (60%) of the lots area within one-half mile ~~one thousand (1000) feet~~ of the proposed mineral resource land is characterized by parcels of five (5) acres or larger. Mann
- ~~d. At least sixty percent (60%) of the area within one thousand (1000) feet of the proposed mineral resource land is characterized by parcels of five (5) acres or larger. Dentler~~

Other Designation Criteria Proposals

- e. The proposed designation is based on current federal, state and private geological data and mapping; CALM
 - f. Public services and utilities at the site, including water supply, are sufficient or will be made available. CALM
 - e. Existing uses within one-half mile are not presently incompatible with mining and its impacts including noise, dust, blasting, heavy truck traffic; Mann
 - f. There is an adequate supply of water to serve any proposed mining operation; Mann
 - g. Mining operations will not significantly impact existing ground or surface water uses; Mann
 - h. Mining operations will not significantly impact wetlands, riparian areas, or wildlife habitat; Mann
 - i. Mining operations will not be located on active unstable slopes, or potentially or historically unstable slopes. Mann
2. **Amendments to the plan map to remove the Surface Mining Overlay shall demonstrate that one of the following conditions is met:**
- a. **The mineral resources have been depleted;**
 - b. **There is evidence that the mining of the mineral resource is not economically feasible based on the factors listed in Section 40.560.010(S)(1)(b);**
 - c. **Environmental or access constraints make it impractical to mine the resource; or**
 - d. **The area has been brought into an urban growth boundary or adjacent land uses or developments are incompatible with mineral extraction.**

C. Draft Surface Mining Overlay Standards

40.250.020 SURFACE MINING OVERLAY DISTRICT

(Repeal current 40.250.020 and replace)

A. Purpose.

The purpose of the surface mining overlay district is to ensure the continued availability of rock, stone, gravel, sand, earth and mineral products without disrupting or endangering adjacent land uses, while safeguarding life, property and the public welfare.

B. Applicability.

- 1. The provisions in this section shall apply to parcels designated with the surface mining overlay.**
- 2. The provisions of this section shall apply only to new applications for surface mines and related uses. Operation of existing surface mines and related uses shall conform to the conditions of approval adopted with their site plan and/or conditional use approval.**
2. The provisions of this section shall apply only to new applications for surface mines and related uses, and expansions or alterations of existing operations. Operation of existing surface mines and related uses shall conform to the conditions of approval adopted with their site plan and/or conditional use approval. CALM
2. The provisions of this section shall apply only to new applications for surface mines and related uses and expansions of existing mines. Operation of existing surface mines and related uses shall conform to the conditions of approval adopted with their site plan and/or conditional use approval. Mann
- 3. Provisions of Chapter 78.44 RCW and Chapter 332-18 WAC pertaining to surface mining that are applicable to Clark County are adopted by reference.**

C. Uses.

- 1. Permitted uses. In addition to uses allowed in the underlying zoning district, the following uses are permitted in the surface mining overlay district:**
 - a. Extractions from deposits of rock, stone, gravel, sand, earth and minerals.**
 - a. Extractions from deposits of rock, stone, gravel, sand, earth and minerals and the sorting, crushing and stockpiling of such materials. Dentler
 - b. Temporary offices, shops or other accessory buildings and structures used for the management and maintenance of onsite mining and processing equipment.**
 - b. Temporary offices, shops or other accessory buildings and structures used for the management and maintenance of onsite mining and processing equipment may be allowed only if predicted mine life is less than 10 years. Mann

b. Temporary offices, shops or other accessory buildings and structures typically or customarily used for the mining and management and maintenance of onsite mining and processing equipment. Dentler

2. Conditional uses. In addition to uses allowed conditionally in the underlying zoning district, the following uses are allowed in the surface mining overlay district, subject to conditional use approval:

- a. **Asphalt mixing**
- b. **Concrete batching;**
- c. **Clay bulking;**
- d. **Rock crushing, processing and stockpiling.**
- d. Rock crushing, processing and stockpiling Maul Foster
- d. Rock crushing, processing and stockpiling Dentler

D. Standards.

1. Site area. When the activity includes both extraction and any one of the uses listed on Section 40.250.020(C)(2), the total site area shall be a minimum of twenty (20) acres. Activities which are limited to extraction only shall not have a minimum site size.

2. Setbacks.

- a. **A minimum 200-foot setback shall be required for all mining uses abutting residential uses. The setback may be reduced by the approval authority if the purposes of this chapter can be met with the reduced setback. The setback area shall be used only for roads, berms, landscaping, signs, fencing and reclamation activities.**
- a. A minimum 200-foot setback shall be required for all mining uses abutting residential uses. ~~The setback may be reduced by the approval authority if the purposes of this chapter can be met with the reduced setback.~~ The setback area shall be used only for roads, berms, landscaping, signs, fencing and reclamation activities. Mann
- a. A minimum 200-foot setback shall be required for all mining uses abutting residential uses existing residential structures or adjacent rural residential zoning. The setback may be reduced by the approval authority if the purposes of this chapter can be met with the reduced setback. The setback area shall be used only for roads, berms, landscaping, signs, fencing and reclamation activities. Maul Foster
- a...Delete or replace with: Where the hearings examiner determines, based on the preponderance of evidence, that applicable laws, rules, ordinances, and standards and other conditions of approval adopted under SEPA are insufficient to protect adjacent residences from significant adverse impacts, setbacks may be established to reduce such impacts. Dentler
- b. **Adjacent properties shall maintain a 100-foot setback from designated mineral resource land. The setback may be reduced by the approval authority if the purposes of this chapter can be met with the reduced setback or if it is not feasible to meet the setback due to site constraints. Setbacks shall not apply to existing structures.**

3. **Access. Roads into the site shall be gated and the site or mining area shall be fenced and posted “No Trespassing”.**
4. **Noise. Maximum permissible noise levels must be in accordance with the provisions of Chapter 173-60 WAC or as identified in the SEPA document.**
4. Noise. Maximum permissible noise levels must be in accordance with the provisions of Chapter 173-60 WAC or as identified in the SEPA document prepared consistent with 40.570.080(C)(3)(g). Mitigation is required to limit noise levels to no more than 5 dBA over ambient levels at the property line. CALM
4. Noise. Maximum permissible noise levels must be in accordance with the provisions of Chapter 173-60 WAC or as identified in the SEPA document whichever is lower. Mann
4. Noise. Maximum permissible noise levels must be in accordance with the provisions of not exceed the limits established under Chapter 173-60 WAC at the property line or elsewhere on adjacent property. ~~or as identified in the SEPA document~~ Streeter
5. **Hours and days of operation.**
 - a. **No operations shall take place on Sundays or on the following legal holidays: New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.**
 - a. ~~No operations shall take place on Sundays or on the following legal holidays: New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.~~ Maul Foster, Dentler
 - a. No operations shall take place on Sundays or on the following legal holidays: New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day , Easter, MLK Day, Veterans Day and Christmas Day. Streeter
 - b. **All operations and activities other than blasting and maintenance are restricted to the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday.**
 - b. All operations and activities other than blasting and maintenance are restricted to the hours of ~~6~~7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday, unless further restricted through SEPA review due to proximity of existing uses and/or site specific conditions. Mann
 - b. All operations and activities other than blasting and maintenance are restricted to the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday and ~~8~~9:00 a.m. to 5:00 p.m. Saturday. Streeter
 - c. **Blasting is restricted to the hours of 9:00 a.m. to 4:00 pm Monday through Friday.**
 - d. **Maintenance activities may be performed outside the normal hours of operation, provided that no equipment with narrow-band (beeping) back-up alarms is used.**
 - d. Maintenance activities, excluding mining, crushing, and loading, may be performed outside the normal hours of operation, provided that no equipment with narrow-band (beeping) back-up alarms is used. Noise levels must comply with night-time noise requirements. Mann

- e. Loading and hauling outside of normal hours of operation may be approved by the responsible official provided that:
- (1) the applicant provides at least fourteen (14) days notice to the county prior to the event such that the county can provide at least ten (10) days notice to property owners within one-half (1/2) mile of the site boundary and to owners of all parcels abutting local access roads to be used for hauling that are between the site and roads designated in the Arterial Atlas as connectors, arterials, or State highways;=
 - (2) the applicant provides evidence that the contract requires delivery of rock or rock products outside of normal operating hours; and
 - (2) the applicant provides evidence that the contract is to fulfill a publicly funded project and requires delivery of rock or rock products outside of normal operating hours; and CALM
 - (3) the contract is for a Public Works and not private contract; and Mann
 - (3) all equipment shall utilize broadband back-up alarms or reverse-activated strobe lights conforming to Mining Safety and Health Administration (MSHA) requirements.
 - (4) loading and hauling outside of normal hours shall not take place more than 10 consecutive days, and not more than 30 total days in one calendar year. Applicant shall make a separate application to the responsible official for each period of requested activity outside of normal hours of operation. CALM

In an emergency, the responsible official may waive the requirements of this subsection.

In a state of emergency declared by the Governor, the responsible official may waive the requirements of this subsection. CALM

In an emergency, the responsible official may waive the requirements of this subsection except noise limits. Mann

6. **Stormwater and erosion control must meet the standards of Chapter 40.385.**
6. Stormwater and erosion control must meet the standards of Chapter 40.385, and all applicable federal and state requirements. Mann
7. **Blasting and mining activities must not adversely affect the quality or quantity of groundwater or groundwater wells or cause damage to offsite structures.**
8. **Notice of blasting events shall be provided by the operator to property owners within one-half (1/2) mile of the mining limits by mail at least seven (7) days prior to blasting or by electronic communication at least twenty-four (24) hours prior to blasting.**
8. Notice of blasting events shall be provided by the operator to property owners within one mile (1) one-half (1/2) mile of the mining limits by conspicuous posting at the property line of the affected properties, Secondary notice shall be provided by mail at least seven (7) days prior to blasting or by electronic communication at least twenty-four (24) hours prior to blasting. CALM

8. Notice of blasting events shall be provided by the operator to property owners within one-half (1/2) mile of the mining limits by mail at least seven (7) days prior to blasting ~~or by electronic communication at least twenty-four (24) hours prior to blasting.~~ Streeter

9. Mining activities must meet applicable Federal, State and county standards governing odors, dust, smoke, blasting and vibration. Lighting shall not cast significant light or glare on adjacent properties.

9. Mining activities must meet applicable Federal, State and county standards governing odors, dust, smoke, lighting, blasting and vibration. Lighting shall not cast significant light or glare on adjacent properties.

a. Dust and Smoke Control. The operator shall obtain all required permits from the Southwest Clean Air Agency, and shall comply with all of the regulations of the Southwest Clean Air Agency. In addition, the approval authority may require methods of dust control, such as water trucks or sprinklers, which will mitigate the dust from the site.

b. Lighting. All lighting shall be limited to the lowest intensity which allows the permitted activity to be carried out in a safe manner. The lights shall be shielded and directed so that illumination affects only the premises of the site and does not result in glare outside of the permit site or on public rights-of-way. CALM

Odor, dust, noise, or drainage shall not be permitted to create or become a nuisance to surrounding properties Mann

(include impacts observed or measured interior to the property line of adjacent parcels, because property line may be in a ravine or otherwise more protected than residence)
Streeter

10. The director of public works may require pavement wear agreements for public roads used to access the site. Public access roads to mining sites must be maintained to the satisfaction of the director of public works, to minimize problems of dust, mud, potholes, runoff and traffic safety. All vehicles shall comply with RCW 46.61.655 (escape of load materials and cleaning of vehicles).

10. The director of public works may require pavement wear agreements for public roads used to access the site, and may include, but are not limited to, safety, restoration, rehabilitation, and resurfacing of the affected roadways and/or financial participation in county road preservation projects. Public access roads to mining sites must be maintained to the satisfaction of the director of public works, to minimize problems of dust, mud, potholes, runoff and traffic safety. All vehicles shall comply with RCW 46.61.655 (escape of load materials and cleaning of vehicles). CALM

10. The director of public works ~~may~~ shall require pavement wear agreements for public roads used to access the site. Public access roads to mining sites must be maintained to the satisfaction of the director of public works, to minimize problems of dust, mud, potholes, runoff and traffic safety. All vehicles shall comply with RCW 46.61.655 (escape of load materials and cleaning of vehicles). Mann

10. The director of public works may require pavement wear agreements for public roads used to access the site. Where there is evidence that the use of County roads is the direct cause of undue dust, mud, runoff, potholes or traffic safety, the director of public works, may require reasonable conditions to reduce, control or minimize such issues. Maul Foster, Dentler

11. Internal access roads shall be paved within one hundred (100) feet of a paved county road or state highway to reduce tracking of dirt, mud and rocks. Wheel washes or other methods may also be used to control these impacts.

11. Internal access roads shall be paved within one hundred (100) feet of a paved county road or state highway to reduce tracking of dirt, mud and rocks. ~~Wheel washes or other methods may also be used to control these impacts.~~ Maul Foster

12. The applicant shall identify the source or potential source and approximate amount of water anticipated to be used on the site. If this amount exceeds the exemption provided for under RCW 90.44.050, the applicant must present evidence that adequate water can be made available.

12. The applicant shall identify the source or potential source for water and calculate the anticipated water use for the site. approximate amount of water anticipated to be used on the site. If this amount exceeds the exemption provided for under RCW 90.44.050, the applicant must present evidence that adequate water will ~~can~~ be made available. CALM

12. The applicant shall identify the source or potential source and approximate amount of water anticipated to be used on the site. If this amount exceeds the exemption provided for under RCW 90.44.050, the applicant must present evidence that adequate water can be made available without negatively affecting neighboring wells and aquifers. Mann

E. Approval Process.

1. Plans shall be drawn to an engineer's scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this section and all other relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, the names and addresses of the owner, and the person by whom they were prepared. The plans shall include the following minimum information:

- a. General vicinity maps of the proposed site;
- b. Property boundaries and accurate contours of existing ground, details of existing terrain, and details of existing area drainage;
- c. Proposed elevations and contours of the greatest extent of the proposed mining and proposed drainage channels and related construction;
- d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;
- e. Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within two hundred (200) feet of the property;
- f. Location of internal access roads and primary haul routes.
- f. Location of ~~internal~~ access roads and primary haul routes. Maul Foster, Dentler
- g. Stormwater calculations and proposed treatment facilities for runoff from access roads and impervious areas; and
- h. A hydrogeology report which characterizes the groundwater and surface water and identifies wells within one-half (1/2) mile of the proposed mining

limits and a monitoring and mitigation plan if impacts are anticipated to offsite properties.

- h. A hydrogeology report which characterizes the groundwater and surface water and identifies wells within one-half (1/2) mile of the proposed mining limits and a monitoring and mitigation plan if there are existing wells within one-half (1/2) mile of the proposed site. If impacts are anticipated to offsite properties. Mann
 - i. A noise study, produced by a licensed acoustical engineer, which includes measurements of ambient noise, projections of anticipated noise levels at the property line and proposed mitigation measures. CALM, Streeter
 - j. A traffic impact analysis including the following elements, or as directed by the director of public works:
 - (1) Estimated life of the quarry/mine;
 - (2) Trip generation, including passenger & haul vehicles;
 - (3) Trip assignment and distribution;
 - (4) Capacity analysis: Existing and proposed operational LOS at the site access and intersections along primary and secondary haul routes including any proposed mitigations;
 - (5) Safety analysis: Sight distance at intersections and crash history at intersections and along all haul route corridors, including any proposed mitigations;
 - (6) Vehicle maneuvering analysis: Turning movements at intersections and tracking at intersections and horizontal curves including any proposed mitigations; and
 - (7) Structural capacity analysis: Remaining life of primary and secondary haul routes under current and proposed loading including any improvements needed to achieve a 15-year structural capacity. Staff, CALM
 - k. A plan which addresses material entering the county right-of-way as a direct result from mining operations and asphalt plants or accessory uses. The plan shall include methods to control material leaving the site and response should any material enter the right-of-way. Material may include, but is not limited to, rock, sand, mud, soil, water, asphalt, Portland cement concrete, and/or oil. The plan is subject to approval by the director of public works, and may be combined with the pavement wear agreement. CALM
2. **Site plan approval is required prior to any surface mining use.**
 3. **For those uses permitted under Section 40.250.020(C)(1), the responsible official shall review and approve plans, specifications, and other supporting data through a Type II-A process pursuant to Section 40.510.025.**
 4. **Conditional uses permitted under Section 40.250.020(C)(2) shall be reviewed through a conditional use process pursuant to Section 40.520.030.**
 5. **For temporary uses permitted under Section 40.250.020(C)(1)(b) that are not exempt from review per Section 40.260.220(C)(3)(b), the responsible official shall review and approve plans and specifications through a Type I process pursuant to Section 40.510.010.**

5. For temporary uses permitted under Section 40.250.020(C)(1)(b) ~~that are not exempt from review per Section 40.260.220(C)(3)(b)~~, the responsible official shall review and approve plans and specifications through a Type I process pursuant to Section 40.510.010. CALM
6. **Notice required by Sections 40.250.020(E)(3) and (4) above shall be sent to owners of property within a radius of one (1) mile of the site and to owners of all parcels abutting local access roads to be used for hauling that are between the site and roads designated in the Arterial Atlas as collectors, arterials or State highways.**
6. Notice required by Sections 40.250.020(E)(3) and (4) above shall be sent to owners of property within a radius of one (1) mile of the site and to owners of all parcels abutting local access roads ~~to be used for hauling~~ identified as the primary haul route that are between the site and roads designated in the Arterial Atlas as collectors, arterials or State highways. Maul Foster
6. *(Use existing notice provisions for Type II and III procedures as applicable.)* Dentler

F. Monitoring and Enforcement.

1. A hearing shall be held within twelve (12) months of the commencement of any uses permitted under Section 40.250.020 and at intervals thereafter as determined by the Hearings Examiner. Public hearing notice and procedures shall be conducted pursuant to Section 40.510.030, and notice shall be provided to all residents identified in Section 40.250.020(E)(6). The scope of these hearings shall be limited to:
 - a. assessing whether the conditions of approval were adequate or necessary to mitigate the actual impacts of the use;
 - b. determining whether the conditions of approval have been met; and
 - c. evaluating the effectiveness of any required monitoring programs.
2. Owners of all mining operations shall submit completed registration forms to the county on an annual basis every year following the hearing required by Section 40.250.020(E)(6). For existing operations, initial forms shall be submitted to the county by not later than six (6) months from date of adoption. Registration forms shall include: (1) location and ownership of parcel, (2) size and depth of mine, (3) current state and/or local permit status of mining activity on parcel, and (4) information contained on any annual report required by the Department of Natural Resources. Fees shall be assessed as adopted by the Board of County Commissioners.
3. Mining operations shall be inspected annually for compliance in conjunction with the annual registration process. The operator shall provide access to the site for the purpose of such inspections. The inspection shall be based on conditions and standards ordered by the approval authority and the standards of this chapter. Fees shall be assessed as adopted by the Board of County Commissioners.
4. Mining operators shall maintain compliance with all applicable standards. Deficiencies identified in the annual review and inspection shall be remedied. A conditional use permit may be revoked for noncompliance pursuant to Section 40.520.030(H). CALM

40.260.220 Temporary Uses and Structures

C. Uses and Exceptions.

3. Exceptions. Certain structures and uses are exempt from the requirement to obtain a temporary use permit. However, building and fire code requirements still apply. The following are exempt from the requirement for a temporary use permit:

b. For nonresidential districts: Temporary construction trailers, construction materials, and equipment storage areas, and construction offices accessory to a construction or mining site.
CALM

40.260.120 Mines, Quarries and Gravel Pits

~~Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be permitted uses in any district established by this title except as provided in specific districts, unless a surface mining overlay district has been obtained, as provided for in Section 40.250.020, except for on-site excavation and grading in conjunction with a specific construction or improvement project. Odor, dust, noise or drainage shall not be permitted to create or become a nuisance to surrounding property. The responsible official may approve a request for an aggregate extraction for a single construction project for a period not to exceed ten (10) days in operation and not requiring a state permit, in accordance with Section 40.260.220, Temporary Uses.~~